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MOTION UNDER 28 U.S.C. § 2255 TO VACATE, SET ASIDE, OR CORRECT  
SENTENCE BY A PERSON IN FEDERAL CUSTODY

United States District Court		District SOUTHERN DISTRICT OF GEORGIA (SAVANNAH)
Name (under which you were convicted): MICHAEL LEWIS PITTS		Docket or Case No.: #4:19-CR-00012-LGW-CLR-1
Place of Confinement: A.U.S.P. THOMSON		Prisoner No.: 22975.021
UNITED STATES OF AMERICA		Movant (include name under which you were convicted) v. MICHAEL LEWIS PITTS

## MOTION

1. (a) Name and location of court that entered the judgment of conviction you are challenging:

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF GEORGIA (SAVANNAH)  
SAVANNAH DISTRICT COURT  
124 BARNARD STREET  
TOMOCHICHE FEDERAL COURT HOUSE

(b) Criminal docket or case number (if you know): 4:19-CR-00012-LGW-CLR-1

2. (a) Date of the judgment of conviction (if you know): 6/21/19

(b) Date of sentencing: 12/17/2019

3. Length of sentence: 304 MONTHS/60 MONTHS CONSECUTIVE

4. Nature of crime (all counts): 18 U.S.C. 922(g)(1) Possession of a Firearm by a Prohibited Person

② 21 U.S.C. 841(a)(1) Possession with Intent to Distribute a Controlled Substance  
③ 18 U.S.C. 924(c) Possession of a Firearm in Furtherance of a Drug Trafficking Crime

5. (a) What was your plea? (Check one)

(1) Not guilty ☒(2) Guilty ☐(3) Nolo contendere (no contest) ☐

(b) If you entered a guilty plea to one count or indictment, and a not guilty plea to another count or indictment, what did you plead guilty to and what did you plead not guilty to?

N/A

6. If you went to trial, what kind of trial did you have? (Check one)

Jury ☒Judge only ☐

7. Did you testify at a pretrial hearing, trial, or post-trial hearing? Yes ☒ No ☐
8. Did you appeal from the judgment of conviction? Yes ☐ No ☒
9. If you did appeal, answer the following:
- (a) Name of court: N/A
- (b) Docket or case number (if you know): N/A
- (c) Result: N/A
- (d) Date of result (if you know): N/A
- (e) Citation to the case (if you know): N/A
- (f) Grounds raised: N/A

- (g) Did you file a petition for certiorari in the United States Supreme Court? Yes ☐ No ☒

If "Yes," answer the following:

- (1) Docket or case number (if you know): N/A
- (2) Result: N/A
- (3) Date of result (if you know): N/A
- (4) Citation to the case (if you know): N/A
- (5) Grounds raised: N/A

10. Other than the direct appeals listed above, have you previously filed any other motions, petitions, or applications concerning this judgment of conviction in any court?

Yes ☐ No ☒

11. If your answer to Question 10 was "Yes," give the following information:

- (a) (1) Name of court: N/A
- (2) Docket or case number (if you know): N/A
- (3) Date of filing (if you know): N/A

(4) Nature of the proceeding: N/A

(5) Grounds raised:

N/A

(6) Did you receive a hearing where evidence was given on your motion, petition, or application? Yes ☐ No ☐ N/A

(7) Result: N/A

(8) Date of result (if you know): N/A

(b) If you filed any second motion, petition, or application, give the same information:

(1) Name of court: N/A

(2) Docket or case number (if you know): N/A

(3) Date of filing (if you know): N/A

(4) Nature of the proceeding: N/A

(5) Grounds raised:

N/A

(6) Did you receive a hearing where evidence was given on your motion, petition, or application? Yes ☐ No ☐ N/A

(7) Result: N/A

(8) Date of result (if you know): N/A

(c) Did you appeal to a federal appellate court having jurisdiction over the action taken on your motion, petition, or application?

(1) First petition: Yes ☐ No ☐ N/A

(2) Second petition: Yes ☐ No ☐ N/A

(d) If you did not appeal from the action on any motion, petition, or application, explain briefly

why you did not: **DEPRIVED EFFECTIVE ASSISTANCE OF COUNSEL, COUNSEL FILED AN ANDERS BRIEF AND WITHDREW, SO I HAD NO APPEAL**

12. For this motion, state every ground on which you claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground.

**GROUND ONE: MR MICHAEL LEWIS PITTS WAS DEPRIVED OF THE EFFECTIVE ASSISTANCE OF COUNSEL WHEN MR PAUL MOONEY FAILED AND REFUSED TO FILE MOTIONS, MR PITTS WAS DEPRIVED OF THE FUNDAMENTAL DUE PROCESS RIGHT TO PRESENT A FAIR CASE.**

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

**MR PAUL MOONEY WAS GIVEN AN IMPORTANT MOTIONS HEARING NOTIFICATION ON 3/1/2019, THAT A HEARING WAS SET FOR 4/17/2019 BY MAGISTRATE JUDGE CHRISTOPHER L. RAY, TO HEAR ANY/ALL MOTIONS/EVIDENTIARY CONCERNS. MR MOONEY FILED MOTIONS TO SUPPRESS EVIDENCE AND STATEMENTS ON 3/20/2019. ON 4/10/2019 MR MOONEY WITHDREW MOTIONS FILED WITHOUT CONSULTING MR PITTS OR WITHOUT MR PITTS' KNOWLEDGE, WHICH DEPRIVED MR PITTS OF EFFECTIVE ASSISTANCE OF COUNSEL. ON 4/30/2019 MR PAUL MOONEY WAS GIVEN ADDITIONAL TIME (14 DAYS) TO FILE ANY MOTIONS, WHICH MR MOONEY FAILED AND REFUSED TO DO. COUNSEL CONDUCT DEPRIVED MR PITTS OF THE DUE PROCESS RIGHT TO PRESENT CRITICAL DEFENSE EVIDENCE BEFORE TRIAL. MR MOONEY VIOLATED MR PITTS' TRUST, DEPRIVING HIM OF HONEST SERVICE. A COMPETENT, AND EFFECTIVE COUNSELOR WOULD NOT HAVE DEPRIVED A CLIENT AT A CHANCE OF EQUAL JUSTICE. MR PITTS HAS BEEN PREJUDICED BY HIS INCARCERATION, AND HAS HAD TO STUDY FEDERAL LAW AT THE PRISON TO LEARN THE LEGAL ISSUES THAT MR MOONEY DEPRIVED HIM OF, RESULTING IN AN INEFFECTIVE ASSISTANCE OF COUNSEL. MR PITTS' SENTENCE SHOULD BE VACATED**

**(b) Direct Appeal of Ground One:**

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☐ No ☒

(2) If you did not raise this issue in your direct appeal, explain why:

**DEPRIVED OF EFFECTIVE COUNSEL, COUNSEL FILED AN ANDERS BRIEF AND WITHDREW, SO I HAD NO APPEAL**

**(c) Post-Conviction Proceedings:**

(1) Did you raise this issue in any post-conviction motion, petition, or application?

Yes ☐ No ☒

(2) If your answer to Question (c)(1) is "Yes," state:

Type of motion or petition: **N/A**

Name and location of the court where the motion or petition was filed:

Docket or case number (if you know): N/A

Date of the court's decision: N/A

Result (attach a copy of the court's opinion or order, if available):

(3) Did you receive a hearing on your motion, petition, or application?

Yes ☐ No ☐ N/A

(4) Did you appeal from the denial of your motion, petition, or application?

Yes ☐ No ☐ N/A

(5) If your answer to Question (c)(4) is "Yes," did you raise this issue in the appeal?

Yes ☐ No ☐

(6) If your answer to Question (c)(4) is "Yes," state:

Name and location of the court where the appeal was filed:

Docket or case number (if you know): N/A

Date of the court's decision: N/A

Result (attach a copy of the court's opinion or order, if available):

(7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise this issue: DEPRIVED OF EFFECTIVE COUNSEL

**GROUND TWO:** MR PITTS WAS DEPRIVED OF EFFECTIVE ASSISTANCE OF COUNSEL DURING THE PREPARATION OF A CRIMINAL DEFENSE STAGE. MR MOONEY WITHHELD CRITICAL DEFENSE EVIDENCE THAT WAS NEVER PRESENTED TO ANY JUDGE (OR JURY).

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):  
COUNSELOR, MR MOONEY, HAD IN HIS POSSESSION AN AUDIO RECORDING OF DET. ALTOMARE CALLING IN THE VEHICLES TAG (WHICH MR PITTS WAS TRAVELING IN) AND ADVISING HIS STRATEGIC INVESTIGATIVE UNIT TO GET TO THE AREA, TO HAVE MR PITTS PULLED OVER BEFORE ANY TRAFFIC VIOLATION, A CRIME BEING COMMITTED, OR A CRIME WAS EVER COMMITTED. MR MOONEY FAILED TO INVESTIGATE CRITICAL ISSUES, AND FILE A PROPER MOTION, TO CHALLENGE THE LEGALITY OF THE ALLEGED TRAFFIC VIOLATION AND TRAFFIC STOP. COUNSEL'S FAILURE RENDERED MR. PITTS' TRIAL FUNDAMENTALLY UNRELIABLE, BECAUSE COUNSEL'S CONDUCT DEPRIVED MR. PITTS OF HIS DUE PROCESS RIGHT TO CHALLENGE EVIDENCE BEFORE TRIAL. THIS COURT SHOULD VACATE MR. PITTS' SENTENCE AND CONVICTION WITHOUT PREJUDICE SO THAT HE MAY EXERCISE HIS DUE PROCESS RIGHT TO A FAIR TRIAL.

**(b) Direct Appeal of Ground Two:**

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☐ No ☒

(2) If you did not raise this issue in your direct appeal, explain why:

DEPRIVED OF EFFECTIVE COUNSEL

**(c) Post-Conviction Proceedings:**

(1) Did you raise this issue in any post-conviction motion, petition, or application?

Yes ☐ No ☒

(2) If your answer to Question (c)(1) is "Yes," state:

Type of motion or petition: N/A

Name and location of the court where the motion or petition was filed: N/A

Docket or case number (if you know): N/A

Date of the court's decision: N/A

Result (attach a copy of the court's opinion or order, if available): N/A

(3) Did you receive a hearing on your motion, petition, or application?

Yes ☐ No ☒ N/A

(4) Did you appeal from the denial of your motion, petition, or application?

Yes ☐ No ☒ N/A

(5) If your answer to Question (c)(4) is "Yes," did you raise this issue in the appeal?

Yes ☐ No ☒ N/A

(6) If your answer to Question (c)(4) is "Yes," state:

Name and location of the court where the appeal was filed: N/A

Docket or case number (if you know): N/A

Date of the court's decision: N/A

Result (attach a copy of the court's opinion or order, if available): N/A

(7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise this issue: DEPRIVED OF EFFECTIVE COUNSEL

**GROUND THREE:** VIOLATION OF MR MICHAEL LEWIS PITTS GUARANTEED FORTH AMENDMENT CONSTITUTIONAL RIGHT

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

ON 7/3/2018 AT 5:00/5:30 PM, MR PITTS WAS PULLED OVER WHILE TRAVELING BY OFFICERS OF THE SAVANNAH-CHATHAM POLICE DEPARTMENT, FOR AN ALLEGED TRAFFIC VIOLATION. OFFICERS APPROACHED THE VEHICLE AND DEVIATED FROM PROTOCOL OF A TRAFFIC STOP AND ORDERED MR. PITTS TO TURN OFF THE VEHICLE AND HAND OVER THE KEYS. UNDER DURESS, MR PITTS COMPLIED THEN WAS ORDERED TO EXIT THE VEHICLE. OFFICER ASSISTED MR PITTS OUT OF THE VEHICLE PLACING MR PITTS AGAINST THE VEHICLE AND BEGIN TO PAT AND SEARCH MR. PITTS. UPON THE SEARCH A FIREARM, PHONE, MONEY, AND WALLET WERE TAKEN FROM MR PITTS' PERSON. OFFICER THEN TOOK MR PITTS'S VALID DRIVERS LICENSE TO CHECK IF MR PITTS WAS A CONVICTED FELONY. MR. PITTS WAS HANDCUFFED AND PLACED IN A POLICE VEHICLE, THEN OFFICER SEARCHED THE VEHICLE. MR PITTS WAS NOT UNDER ANY LEGAL INVESTIGATION, NO TRAFFIC CITATION WAS ISSUED, NO CRIME WAS COMMITTED, OR BEING COMMITTED THAT MR PITTS FIT THE DESCRIPTION OF OFFICER HAD NO PROBABLE CAUSE, CONSENT, OR WARRANT TO SEARCH MR PITTS OR THE VEHICLE. THE OFFICERS ACTIONS VIOLATED MR PITTS' FORTH AMENDMENT GUARANTEED CONSTITUTIONAL RIGHT.

THE COURT SHOULD VACATE MR PITTS' SENTENCE AND CONVICTION WITHOUT PREJUDICE

**(b) Direct Appeal of Ground Three:**

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☐ No ☒

(2) If you did not raise this issue in your direct appeal, explain why:

DEPRIVED OF EFFECTIVE COUNSEL

**(c) Post-Conviction Proceedings:**

(1) Did you raise this issue in any post-conviction motion, petition, or application?

Yes ☐ No ☒

(2) If your answer to Question (c)(1) is "Yes," state:

Type of motion or petition: N/A

Name and location of the court where the motion or petition was filed:

Docket or case number (if you know): N/A

Date of the court's decision: N/A



Result (attach a copy of the court's opinion or order, if available):

(3) Did you receive a hearing on your motion, petition, or application?

Yes ☐ No ☐ N/A

(4) Did you appeal from the denial of your motion, petition, or application?

Yes ☐ No ☐ N/A

(5) If your answer to Question (c)(4) is "Yes," did you raise this issue in the appeal?

Yes ☐ No ☐ N/A

(6) If your answer to Question (c)(4) is "Yes," state:

Name and location of the court where the appeal was filed:

Docket or case number (if you know): N/A

Date of the court's decision: N/A

Result (attach a copy of the court's opinion or order, if available):

(7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or

raise this issue: DEPRIVED OF EFFECTIVE COUNSEL

#### GROUND FOUR: VIOLATION OF MR MICHAEL LEWIS PITTS' GUARANTEED SIXTH AMENDMENT CONSTITUTIONAL RIGHT

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

ON 7/3/2018 AT OR ABOUT 5:00/5:30 P.M., DET. ALTOMARE OF THE SAVANNAH-CHATHAM POLICE DEPARTMENT, FOLLOWED A VEHICLE BEING TRAVELED IN BY MR PITTS. ON AUDIO RECORDING EVIDENCE, DET. ALTOMARE CALLS IN THE VEHICLES TAG NUMBER WHILE VEHICLE WAS PARKED AT A STORE, AND ADVISED HIS STRATEGIC INVESTIGATIVE UNIT TO GET TO THE AREA. ONCE THE VEHICLE IS AGAIN MOVING, DET. ALTOMARE IS HEARD INFORMING HIS UNIT WHERE HE IS AT, WHILE CONTINUING TO FOLLOW THE VEHICLE MR. PITTS IS TRAVELING IN. ONCE DET. ALTOMARE'S UNIT IS IN THE AREA HE STATES "HE RAN A STOP" AND HIS S.I.U. OFFICERS PULL THE VEHICLE OVER. DET. ALTOMARE IS THE ACCUSER AND PRIMARY PERSON IN CONNECTION TO MR PITTS BEING SEARCHED AND ARRESTED, AND MR PITTS WAS NOT GIVEN THE OPPORTUNITY TO CONFRONT DET. ALTOMARE IN ANY COURT PROCEEDING, WHICH WAS AN INJUSTICE TO MR PITTS AND IS CLEARLY A VIOLATION OF HIS GUARANTEED SIXTH AMENDMENT CONSTITUTIONAL RIGHT.



**(b) Direct Appeal of Ground Four:**

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☐ No ☒

(2) If you did not raise this issue in your direct appeal, explain why:

DEPRIVED EFFECTIVE ASSISTANCE OF COUNSEL

**(c) Post-Conviction Proceedings:**

(1) Did you raise this issue in any post-conviction motion, petition, or application?

Yes ☐ No ☒

(2) If your answer to Question (c)(1) is "Yes," state:

Type of motion or petition: N/A

Name and location of the court where the motion or petition was filed:

N/A

Docket or case number (if you know): N/A

Date of the court's decision: N/A

Result (attach a copy of the court's opinion or order, if available):

N/A

(3) Did you receive a hearing on your motion, petition, or application?

Yes ☐ No ☒ N/A

(4) Did you appeal from the denial of your motion, petition, or application?

Yes ☐ No ☒ N/A

(5) If your answer to Question (c)(4) is "Yes," did you raise this issue in the appeal?

Yes ☐ No ☒ N/A

(6) If your answer to Question (c)(4) is "Yes," state:

Name and location of the court where the appeal was filed:

Docket or case number (if you know): N/A

Date of the court's decision: N/A

Result (attach a copy of the court's opinion or order, if available):

(7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise this issue: DEPRIVED OF EFFECTIVE COUNSEL

13. Is there any ground in this motion that you have not previously presented in some federal court?

If so, which ground or grounds have not been presented, and state your reasons for not

presenting them: THIS IS THE FIRST ROUND COLLATERAL MOTION

14. Do you have any motion, petition, or appeal now pending (filed and not decided yet) in any court for the judgment you are challenging? Yes ☐ No ☒

If "Yes," state the name and location of the court, the docket or case number, the type of proceeding, and the issues raised.

15. Give the name and address, if known, of each attorney who represented you in the following stages of the judgment you are challenging:

(a) At preliminary hearing: N/A

(b) At arraignment and plea: PAUL MOONEY - LAW OFFICE OF PAUL MOONEY, LLC  
1305 BARNARD STREET #526  
SAVANNAH, GA. 31401  
(912) 272-2791

(c) At trial: PAUL MOONEY

(d) At sentencing: PAUL MOONEY

(e) On appeal: N/A

(f) In any post-conviction proceeding:  
PRO SE

(g) On appeal from any ruling against you in a post-conviction proceeding:  
PRO SE

16. Were you sentenced on more than one count of an indictment, or on more than one indictment, in the same court and at the same time? Yes ☒ No ☐

17. Do you have any future sentence to serve after you complete the sentence for the judgment that you are challenging? Yes ☐ No ☒

(a) If so, give name and location of court that imposed the other sentence you will serve in the future: N/A

(b) Give the date the other sentence was imposed:

(c) Give the length of the other sentence:

(d) Have you filed, or do you plan to file, any motion, petition, or application that challenges the judgment or sentence to be served in the future? Yes ☐ No ☐

18. TIMELINESS OF MOTION: If your judgment of conviction became final over one year ago, you must explain why the one-year statute of limitations as contained in 28 U.S.C. § 2255 does not bar your motion.\*

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\* The Antiterrorism and Effective Death Penalty Act of 1996 (“AEDPA”) as contained in 28 U.S.C. § 2255, paragraph 6, provides in part that:

A one-year period of limitation shall apply to a motion under this section. The limitation period shall run from the latest of —

- (1) the date on which the judgment of conviction became final;
- (2) the date on which the impediment to making a motion created by governmental action in violation of the Constitution or laws of the United States is removed, if the movant was prevented from making such a motion by such governmental action;
- (3) the date on which the right asserted was initially recognized by the Supreme Court, if that right has been newly recognized by the Supreme Court and made retroactively applicable to cases on collateral review; or
- (4) the date on which the facts supporting the claim or claims presented could have been discovered through the exercise of due diligence.

Therefore, movant asks that the Court grant the following relief: ISSUE A WRIT OF HABEAS CORPUS,  
VACATE HIS SENTENCE AND CONVICTION

or any other relief to which movant may be entitled.

FILED PRO SE

Signature of Attorney (if any)

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct  
and that this Motion under 28 U.S.C. § 2255 was placed in the prison mailing system on  
(month, date, year).

Executed (signed) on 7/25/2022 (date).

Michael L. Pitts

Signature of Movant

If the person signing is not movant, state relationship to movant and explain why movant is not  
signing this motion.

MICHAEL FITTS "22975-041  
A.U.S.P. THOMSON  
P.O. Box 1002  
Thomson, IL 61285



UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF GEORGIA  
SAVANNAH DISTRICT COURT (OFFICE OF THE CLERK)  
124 BARNARD STREET  
SAVANNAH, GA.  
31401

INMATE  
IDENTIFICATION  
CONFIRMED

MICHAEL PITTS #32975-031  
 A.U.S.P. THOMPSON  
 P.O. Box 1003  
 Thompson, IL 61385

Gr-0060



Forwarded  
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 JF

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF GEORGIA  
 SAVANNAH DISTRICT COURT (OFFICE OF THE CLERK)  
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 SAVANNAH, GA. 31405

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INMATE  
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